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Agenda item 108

Resolution adopted by the General Assembly on 18 December 2013

[*on the report of the Third Committee (A/68/457)*]

68/186. Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking

The General Assembly,

Reaffirming its resolution 66/180 of 19 December 2011, entitled "Strengthening crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking",

Recalling the United Nations Convention against Transnational Organized Crime, adopted by the General Assembly in its resolution 55/25 of 15 November 2000,[1] as well as the United Nations Convention against Corruption, adopted by the Assembly in its resolution 58/4 of 31 October 2003,[2]

Recalling also the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 14 November 1970,[3] the Convention on Stolen or Illegally Exported Cultural Objects, adopted by the International Institute for the Unification of Private Law on 24 June 1995,[4] and the Convention for the Protection of Cultural Property in the Event of Armed Conflict, adopted at The Hague on 14 May 1954,[5] and the two Protocols thereto, adopted on 14 May 1954[5] and 26 March 1999,[6] and other relevant conventions, and reaffirming the necessity for those States that have not done so to consider ratifying or acceding to and, as States parties, implementing those international instruments,

[1] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[2] Ibid., vol. 2349, No. 42146.
[3] Ibid., vol. 823, No. 11806.
[4] Ibid., vol. 2421, No. 43718.
[5] Ibid., vol. 249, No. 3511.
[6] Ibid., vol. 2253, No. 3511.

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Alarmed at the growing involvement of organized criminal groups in all forms and aspects of trafficking in cultural property and related offences, and observing that illicitly trafficked cultural property is increasingly being sold through markets, including in auctions, in particular over the Internet, and that such property is being unlawfully excavated and illicitly exported or imported, with the facilitation of modern and sophisticated technologies,

Reiterating the need for credible and comparable data on different aspects of trafficking in cultural property, including the links with transnational organized crime and the involvement of illicit proceeds, as well as good practices and challenges in this regard,

Recognizing the indispensable role of crime prevention and criminal justice responses in combating all forms and aspects of trafficking in cultural property and related offences in a comprehensive and effective manner,

Welcoming the recommendations of the joint discussion on trafficking in cultural property of the Working Group of Government Experts on Technical Assistance and the Working Group on International Cooperation, held in Vienna on 18 October 2012, as endorsed by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in its resolution 6/1 of 19 October 2012,[7]

Taking note of the report of the Secretariat on technical assistance provided to States in the application of the United Nations Convention against Transnational Organized Crime to new forms and dimensions of transnational organized crime,[8] including trafficking in cultural property, and the report of the Secretariat on the application of the United Nations Convention against Transnational Organized Crime by States parties with respect to criminal offences against cultural property,[9]

Taking note also of the publication by the United Nations Office on Drugs and Crime of a digest of organized crime cases, containing a compilation of cases with commentaries and lessons learned, aimed at providing policymakers and criminal justice practitioners with an analysis of concrete cases for the implementation of the United Nations Convention against Transnational Organized Crime, including with regard to trafficking in cultural property,

Taking note further of the report of the Secretary-General,[10]

Recalling that the theme of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, to be held in Qatar in 2015, will be "Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation", and considering that one of the workshops at the Congress will focus on comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime, such as trafficking in cultural property,

Taking note of the report of the Secretariat on the potential utility of and improvements to the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,[11]

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[7] See CTOC/COP/2012/15, sect. I.A.

[8] CTOC/COP/2012/7.

[9] CTOC/COP/WG.2/2012/3-CTOC/COP/WG.3/2012/4.

[10] E/CN.15/2013/14.

[11] UNODC/CCPCJ/EG.1/2012/2 and Add.1.

1. *Requests* Member States to continue their efforts to effectively strengthen crime prevention and criminal justice responses to protect cultural property, especially with regard to its trafficking, including within the framework of the United Nations Convention against Transnational Organized Crime[1] and the Commission on Crime Prevention and Criminal Justice;

2. *Recalls its invitation* to Member States, in its resolution 66/180, to protect cultural property and prevent trafficking in such property by introducing appropriate legislation, including, in particular, procedures for its seizure, recovery and return, as well as by promoting education, launching awareness-raising campaigns, locating and inventorying such property, adopting adequate security measures, developing the capacities and human resources of monitoring institutions, such as the police and customs services, and of the tourism sector, involving the media and disseminating information on the theft and pillaging of cultural property;

3. *Invites* Member States to consider, as appropriate, reviewing their legal frameworks, with a view to providing the most extensive international cooperation possible to fully address the issue of trafficking in cultural property, and also invites Member States to make trafficking in cultural property, including stealing and looting at archaeological and other cultural sites, a serious crime, as defined in article 2 of the United Nations Convention against Transnational Organized Crime, with a view to fully utilizing that Convention for the purpose of extensive international cooperation in fighting all forms and aspects of trafficking in cultural property and related offences;

4. *Welcomes* the recommendations of the second meeting of the open-ended intergovernmental expert group on protection against trafficking in cultural property, held in Vienna from 27 to 29 June 2012;

5. *Requests* the United Nations Office on Drugs and Crime to solicit from Member States and relevant international organizations information and statistical data on trafficking in cultural property, in particular on trafficking that involves organized criminal groups, to analyse that information and report on the findings to the Commission on Crime Prevention and Criminal Justice at its twenty-third session, and to develop in coordination with Member States an appropriate research methodology to study trafficking in cultural property, in particular the participation of organized criminal groups;

6. *Invites* Member States that have not yet done so to consider designating contact points to facilitate international cooperation within the application of the United Nations Convention against Transnational Organized Crime, for the purpose of preventing and combating trafficking in cultural property, and to report such information to the United Nations Office on Drugs and Crime for inclusion in the directory of competent national authorities;

7. *Requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance to Member States in the area of protection against trafficking in cultural property and related offences, upon request and in coordination with relevant international organizations, such as the United Nations Educational, Scientific and Cultural Organization and the International Criminal Police Organization (INTERPOL), including legislative drafting assistance in order to strengthen crime prevention and criminal justice responses in this field, and to develop practical assistance tools for that purpose;

8. *Also requests* the United Nations Office on Drugs and Crime, within its mandate and in close cooperation with relevant international organizations, such as the United Nations Educational, Scientific and Cultural Organization and

INTERPOL, to raise awareness of the issue of trafficking in cultural property and related offences at the regional and international levels, including in the context of its public service announcements on organized crime and through workshops, seminars and similar events, thereby promoting synergies with the relevant entities of the United Nations crime prevention and criminal justice network;

9. *Further requests* the United Nations Office on Drugs and Crime to create a portal on its website containing all documents, tools and relevant information regarding trafficking in cultural property produced by the Office, including a link to the Database of National Cultural Heritage Laws of the United Nations Educational, Scientific and Cultural Organization and the INTERPOL database on stolen works of art;

10. *Welcomes* the progress made in exploring the development of guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, and stresses the need for their expeditious finalization, bearing in mind the importance of the matter for all Member States;

11. *Requests* the United Nations Office on Drugs and Crime to reconvene the expert group on protection against trafficking in cultural property for Member States to review and revise the draft guidelines, taking into account an updated compendium from the Secretariat of comments made by Member States on the draft guidelines, with a view to finalizing and submitting the draft guidelines to the Commission on Crime Prevention and Criminal Justice at its twenty-third session;

12. *Requests* the Secretariat, pursuant to resolution 6/1 of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, entitled "Ensuring effective implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto",[7] to bring the guidelines on crime prevention and criminal justice responses with respect to trafficking in cultural property, after their adoption, to the attention of the Conference of the Parties;

13. *Requests* the United Nations Office on Drugs and Crime to continue its review of the model treaty for the prevention of crimes that infringe on the cultural heritage of peoples in the form of movable property,[12] taking into account the views and comments expressed by Member States,[11] and requests Member States and relevant international organizations that have not yet done so to submit to the Secretariat their comments on the model treaty;

14. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations;

15. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-third session on the implementation of the present resolution.

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[12] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August–7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. B, resolution 1, annex.

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[*on the report of the Third Committee (A/68/457)*]

68/187. Technical assistance for implementing the international conventions and protocols related to counter-terrorism

The General Assembly,

Recalling all General Assembly and Security Council resolutions related to technical assistance in countering terrorism, and especially General Assembly resolutions 66/171 of 19 December 2011 on protection of human rights and fundamental freedoms while countering terrorism, 66/178 of 19 December 2011 on technical assistance for implementing the international conventions and protocols related to counter-terrorism, 67/99 of 14 December 2012 on measures to eliminate international terrorism and 67/189 of 20 December 2012 on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity,

Stressing again the need to strengthen international, regional and subregional cooperation to effectively prevent and combat terrorism, in particular by enhancing the national capacity of States through the provision of technical assistance, based on the needs and priorities identified by requesting States,

Reiterating all aspects of the United Nations Global Counter-Terrorism Strategy[1] and the need for States to continue to implement the Strategy,

Reiterating also that it is the primary responsibility of Member States to implement the United Nations Global Counter-Terrorism Strategy, and recognizing the need to enhance the important role that the United Nations plays, in coordination with other international, regional and subregional organizations, in facilitating coherence in the implementation of the Strategy at the national, regional and global levels and in providing assistance, especially in the area of capacity-building,

Recalling its resolution 66/282 of 29 June 2012 on the United Nations Global Counter-Terrorism Strategy review, in which it reaffirmed the Strategy, noted with appreciation the activities undertaken in the area of capacity-building by United Nations entities to assist Member States, upon their request, in implementing the

[1] Resolution 60/288.

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Strategy, and underlined the importance of greater cooperation among United Nations entities and of the work of the Counter-Terrorism Implementation Task Force to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system and the need to continue to promote transparency and to avoid duplication,

Recalling also that in its resolution 66/282, it recognized the role that victims of terrorism in all its forms and manifestations can play, including in countering the appeal of terrorism, and noting the ongoing efforts of the relevant United Nations entities and Member States to ensure that victims of terrorism are treated with dignity and that their rights are recognized and protected,

Recalling further that in its resolution 67/189, it expressed deep concern about the connections, that may exist in some cases, between some forms of transnational organized criminal and terrorist activities, and emphasized the need to enhance cooperation at the national, subregional, regional and international levels in order to strengthen responses to that evolving challenge,

Expressing concern at the increased use, in a globalized society, by terrorists of new information and communications technologies, in particular the use of the Internet for terrorist purposes, inter alia, recruitment and incitement, as well as for the financing, training, planning and preparation of their activities,

Taking note of the new technical assistance tools developed by the United Nations Office on Drugs and Crime, including the handbook entitled "The Criminal Justice Response to Support Victims of Acts of Terrorism" and the publication entitled "The Use of the Internet for Terrorist Purposes",

Reaffirming that terrorism cannot and should not be associated with any religion, nationality, civilization or ethnic group,

1. *Urges* Member States that have not yet done so to consider becoming parties to the existing international conventions and protocols related to terrorism, and requests the United Nations Office on Drugs and Crime, within its mandate, in close coordination with the relevant entities of the Counter-Terrorism Implementation Task Force, to continue to provide technical assistance to Member States for the ratification and legislative incorporation of those international legal instruments;

2. *Urges* Member States to continue to strengthen international coordination and cooperation in order to prevent and combat terrorism in accordance with international law, including the Charter of the United Nations, and, when appropriate, by entering into bilateral, regional and multilateral treaties on extradition and mutual legal assistance, and to ensure adequate training of all relevant personnel in executing international cooperation activities, and requests the United Nations Office on Drugs and Crime, within its mandate, to provide technical assistance to Member States to that end, including by continuing and enhancing its assistance related to international legal cooperation pertaining to terrorism;

3. *Stresses* the importance of the development and maintenance of fair and effective criminal justice systems, in accordance with applicable international law, as a fundamental basis of any strategy to counter terrorism, and requests the United Nations Office on Drugs and Crime, whenever appropriate, to take into account in its technical assistance to counter terrorism the elements necessary for building national capacity in order to strengthen criminal justice systems and the rule of law;

4. *Requests* the United Nations Office on Drugs and Crime to continue to give high priority to the implementation of an integrated approach through the promotion of its regional and thematic programmes, including by assisting States, as requested, with the further elaboration and development of national, subregional and regional counter-terrorism strategies;

5. *Calls upon* the United Nations Office on Drugs and Crime to continue to strengthen the provision of technical assistance to Member States, upon request and within its mandate, on effective measures, based on the rule of law, for criminal justice responses addressing the prevention of terrorism;

6. *Also calls upon* the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, for building the capacity of Member States to become a party to and implement international conventions and protocols related to terrorism, including through targeted programmes and the training of relevant criminal justice officials, the development of and participation in relevant initiatives and the elaboration of technical tools and publications, in consultation with Member States;

7. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to develop specialized legal knowledge in the area of counter-terrorism and pertinent thematic areas of relevance to the mandate of the Office and to provide assistance to requesting Member States with regard to criminal justice responses to acts of terrorism as set out in the international legal instruments against terrorism and as detailed in relevant General Assembly resolutions;

8. *Also requests* the United Nations Office on Drugs and Crime, within its mandate and pursuant to General Assembly resolutions 65/221 of 21 December 2010 and 66/178, to continue to enhance specialized legal knowledge through the preparation of best practices, in close coordination with Member States, on assistance to and support for victims of terrorism, including the role of victims within the criminal justice framework;

9. *Further requests* the United Nations Office on Drugs and Crime, within its mandate, to continue to develop its specialized legal knowledge in close consultation with Member States to continue to provide assistance to requesting Member States so as to counter the use of the Internet for terrorist purposes, to support those Member States in effectively criminalizing, investigating and prosecuting such acts in accordance with applicable international law on due process and fully respecting human rights and fundamental freedoms, and to encourage the use of the Internet as a tool for countering the spread of terrorism;

10. *Urges* the United Nations Office on Drugs and Crime to continue to strengthen its cooperation with international organizations and relevant entities of the United Nations system, as well as with international, regional and subregional organizations and arrangements, in the delivery of technical assistance, whenever appropriate;

11. *Takes note with appreciation* of the recent joint initiatives developed by the United Nations Office on Drugs and Crime and the Counter-Terrorism Committee and its Executive Directorate, as well as by the United Nations Office on Drugs and Crime and the Counter-Terrorism Implementation Task Force;

12. *Encourages* Member States to cooperate and to address, as appropriate, including through the effective exchange of information and sharing of experiences and best practices, the links that, in some cases, may exist between transnational organized criminal and terrorist activities in order to enhance criminal justice

responses to terrorism, and calls upon the United Nations Office on Drugs and Crime, within its relevant mandates, to support the efforts of Member States in this regard, upon request;

13. *Expresses its appreciation* to Member States that have supported the technical assistance activities of the United Nations Office on Drugs and Crime, including through financial contributions, and invites Member States to consider making additional sustainable voluntary financial contributions, as well as providing in-kind support, especially in view of the need for enhanced and effective delivery of technical assistance to assist Member States with the implementation of the relevant provisions of the United Nations Global Counter-Terrorism Strategy;[1]

14. *Requests* the Secretary-General to provide the United Nations Office on Drugs and Crime with sufficient resources to carry out activities, within its mandate, to assist Member States, upon request, in the implementation of the relevant elements of the United Nations Global Counter-Terrorism Strategy;

15. *Also requests* the Secretary-General to submit to the General Assembly at its sixty-ninth session a report on the implementation of the present resolution.

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